The North Carolina Standard.

PHILO WHITE,
EDITOR, AND STATE PRINTER.

THE CONSTITUTION AND THE UNION OF THE STATES.....THEY "MUST BE PRESERVED."

RALEIGH, N. C....THURSDAY, MAY 5, 1836.

VOL. II....NO. 70.
THREE DOLLARS PER ANNUM.

PRINTED DAN PUBLISHED
By NATHANIEL O. BLAKE.

TERMS.

Three dollars per annum, payable half-yearly in advance; but it will be necessary for those living at a distance, or out of the State, to pay an entire year in advance. A subscriber failing to give notice of his desire to discontinue at the expiration of the period for which he may have paid, will be considered as having subscribed anew. and the paper continued, at the option of the Editor, until ordered to be stopped; but no paper will be discontinued until all arrearages are paid.

Letters to the Editor must come free of postage, or they may not be attended to.

ADVERTISEMENTS will be inserted at the rate of one dollar per square for three insertions. A liberal discount will be made to those who advertise by the year. Those sending in Advertisements will be good enough to mark the number of times they wish them inserted.

EXPUNGING.

SPEECH of Mr BENTON,
OF MISSOURI,
In the U. States Senate, March 18, 1836.

[CONTINUED]

After this preliminary view of the rights and powers of the Senate over its journal, and in vindication of its authority to expunge by total obliteration, and consequently to expunge by an order instead of an erasure, Mr. B., came to the merits of the question and said the view he proposed to take of the proceedings against President Jackson required him to proceed to the fountain head and original source of this extraordinary process. It did not originate in the Senate of the United States, but in the Bank of the United States!—and all that the Senate has done, has been to copy the proceeding, of which that institution was the author. A statement so material as this, continued Mr. B. and which goes to exhibit the Senate of the United States as following the lead of the Bank of the United States in the condemnation of the President, cannot be made without evidence at hand to support it. No assertion of such thing should be made, except as an introduction to the proof. Fully aware of this, it is my intention to economize words—to dispense with assertion—and to proceed directly to the evidence. With this object, and without adverting at present to a mass of secondary evidence in the Bank gazettes of the autumn of 1833, I have recourse at once to a publication issuing directly from the Bank—a pamphlet of fifty pages, issued by the Board of Directors, on Tuesday, the 3d day of December, 1833. This was the same day on which the President of the United States delivered his annual message to Congress, and the day on which it was known every where that he would deliver it. On that day the President of the Bank of the United States sat at the head of his Board of Directors; and taking cognizance of the imputed delinquencies of President Jackson, they proceeded to try and condemn him for a violation of the laws and constitution of his country—to denounce him for a despot, tyrant and usurper--to assimulate him to counterfeiters—to load him with every odious and every infamous epithet—to indicate his impeachment to Congress—to agree at great length to prove him guilty—to order 5,000 copies of the argument and proceedings to be printed, and a copy to be furnished to each member of the Senate and House of Representatives. As a member of the Senate, I had the honor to receive one of these pamphlets, the only favor I ever received from that institution, and for which I hope to show myself mindful, by the use which I make of it. It is from that pamphlet which I now quote; and I shall first read the order from its adoption and publication, to show the authenticity of its origin, the gravity of its character, and the formality with which the Board of Directors, sitting as a high court of justice, took cognizance of the President, pronounced him guilty, and promulgated their sentence to the world.

"BANK OF THE UNITED STATES,
Tuesday, Dec. 3, 1833.

"At an adjourned meeting of the Board of Directors held this evening, present, Nicholas Biddle, President. Messrs. Willing, Eyre, Bevan, White, Seargeant, Fisher, Lippincott, Chauncey, Newkirk, Macalester, Lewis, Holmes, Gilpin, Sullivan and Wager.

"Mr. Chauncey, from the special committee appointed the 24th September, presented the following report, which was read.

"Whereupon, Mr. Chauncey moved the following resolution:

"Resolved, That the said report, with the accompanying resolution, be adopted.

"Upon this motion the yeas and nays were called for, when it was carried by a vote of 12 to 3, as follows:

"Yeas—Messrs. Willing, Eyre, Bevan, White, Sergeant, Fisher, Lippincott, Chauncey, Newkirk, Lewis, Holmes, and Biddle—12.

"Nays—Messrs. Gilpin, Sullivan and Wager—3.

"On motion, it was Resolved, That 5,000 copies of the said report be printed for the use of the stockholders of the Bank.

"Extracts from the minutes.

"S. JAUDON, Chashier."

Mr. B. then read the following extracts from the report, thus adopted by the Board:

"The committee to whom was referred, on the 24th of September, a paper signed 'Andrew Jackson,' purporting to have been read to a cabinet on the 18th; and also another paper signed 'H. D. Gilpin, John T. Sullivan, Peter Wager, and Hugh M'Eldery,' bearing date 19th August, 1833, with instructions to consider the same, and report to the board whether any, and what steps were necessary, on the part of the board, in consequence of the publication of said letter and report, beg leave to state that they have carefully examined these papers, & will now proceed to state the result of their reflections in regard to them."

* * * "Of the paper itself, and of the individual who has signed it, the committee find it difficult to speak with the plainness by which alone such a document, from such a source, should be described, without wounding their own self-respect, and violating the consideration which all American citizens must feel for the Chief Magistracy of their country. Subduing, however, their feelings and their language down to that respectful tone which is due to the *office*, they will proceed to examine the history of this measure, (removal of the deposites,) its character, and the pretexts offered in palliation of it."

* * * * * * * "It would appear from its contents, and from other sources of information, that the President had a meeting of what is called the cabinet, on Wednesday, the 18th of September, and there read this paper. Finding that it made no impression on the majority of persons assembled, the subject was postponed, and in the meantime the document was put into the newspapers. It was obviously published for two reasons. The first was to influence the members of the cabinet, by bringing to bear upon their immediate decision, the first public impression excited by misrepresentations, which the objects of them could not refute in time: the second was, by the same excitement, to affect the approaching elections in Pennsylvania, Maryland and New Jersey." * * * * *

"The indelicacy of the form of these proceedings correspond well with the substance of them, which is equally in violation of the rights of the Bank and the laws of the country." * * * * * * * "That the Secretary of the Treasury, and the Secretary of the Treasury. alone, has the power to remove them, the deposites, that officer being specially designated to perform that specific duty, and the President of the United States, being by the clearest implication, forbidden to interfere." * * * * * * * "The whole structure of the Treasury shows, that the design of Congress was to make the Secretary as independent as possible of the President. The other Secretaries merely executive officers; but the Secretary of the Treasury, the guardian of the public revenue, comes in to more immediate sympathy with the representaives of the people, who pay that revenue; and although, according to the general scheme of appointment, he is nominated by the President to the Senate, yet he is in fact the officer of Congress, and not the officer of the President."

* * * *

"It is manifest that this removal of the deposites is not made by the order of the Secretary of the Treasury. It is a perversion of language so to describe it.—On the contrary, the reverse is openly avowed. The Secretary of the Treasury refused to remove them, believing, as his published letter declares, that the removal was 'unnecessary, unwise, vindictive, arbitrary and unjust.' He was then dismissed because he would not remove them, and another was appointed because he would remove them. Now this is a palpable violation of the charter. The Bank and Congress agree upon certain terms which no one can change but a particular officer, who, although necessarily nominated to the Senate by the President, was designated by the Bank and Congress as an umpire between them. Both Congress and the Bank have a right to the free, and honest, and impartial judgment of that officer, whoever he may be—the Bank because the removal may injure its interests; the Congress because the removal [illegible] their constituents. In this case they are deprived of it by the unlawful interference of the President, who 'assumes the responsibility,' which, being interpreted, means, usurps the power of the Secretary. To make this usurpation more evident his own language contradicts the very power which he asserts" * * * *

'But a judicial investigation of his charges is precisely what he dreaded. The more summary and illegal invasion of the powers of others, seems to have more attraction than the legitimate exercise of his own." * * * *

"But the wrong done to the pecuniary interests of the Bank sinks into insignificance when compared with the deeper injury inflicted on the country by the usurpation of all the powers of the Government." * * * *

"Certainly, since the foundation of this Government nothing has ever been done which more deeply wounds the spirit of our free institutions. It, in fact, resolves itself into this, that whenever the laws prescribe certain duties to an officer, if that officer, acting under the sanctions of his official oath and private character, refuses to violate the law, the President of the United States may dismiss him, and appoint another, and if he to should prove to be a refractory subordinate,' too continue his removals until he at last discovers in the descending scale of degredation, some irresponsible individual fit to be the tool of his designs. Unhappily, there are never wanting men who will think as their superiors wish them to think—men who regard more the compensation than the duties of their office—men to whom daily bread is a sufficient consolation for daily shame." * * * *

"At this moment the whole revenue of this country is at the disposal, the absolute, uncontrolled disposal of the President of the United States. The laws declare that the public funds shall be placed in the Bank of the United States, unless the Secretary of the Treasury forbids it. The Secretary of the Treasury will not forbid it. The President dismisses him, and appoints somebody that will. So the laws declare that no money shall be drawn from the Treasury, except on warrants for appropriations made by law. If the Treasurer refuses to draw his warrant for any disbursement, the President may dismiss him, and appoint some more flexible agent who will not hesitate to gratify his patron." * * * * * "The power is asserted in a tone fitter for the East than for any country claiming to be governed by laws." * * * * "At this moment the process of evading the law is in full practice. By the constitution of the United States, no money shall be drawn from the Treasury but in consequence of an appropriation made by law. But there has been a usage of transferring funds from one branch of the Bank of the United States to another, or one State Bank, to another, when the public service required disbursements at remote places.—This transfer draft has been abused.' &c. * * * *

"The committee of the Bank willingly leave to the Congress of the United States the assertion of their own constitutional power and the vindication of the principles of our Government, against the most violent assault they have ever yet encountered, and will now confine themselves to the more limited purpose of showing that the reasons assigned for the measure are as unfounded as the object itself is illegal,"

When Mr. B. had read thus far he stopped, closed the phamplet, and said that he had arrived at the point where the Bank divided the criminal from the civil proceedings against the President, and consigning him to Congress for the notice which was due to the violation of the laws and constitution, it proceeded to make out its own case for damges for the loss of the deposites, and to adopt a resolve to claim redress for that injury. The argument in the whole pamphlet is pertinent to the motion now before the Senate, as showing the relation between the proceedings of the Bank and the proceedings of the Senate, against the President, and how closely the latter, arguments and all, were copied from the former. The whole pamphlet was pertinent to his motion, and it ought to be printed and preserved among the public documents, as a part of the history of the case; but time forbid him to read any more; and having arrived at the point where the Bank turned over the President to Congress, for criminal prosecution, and where the Senate took it up, he went on to say: The three resolves which I have read, though varied in their forms, are all intended to accomplish what the Bank indicated, when it vouchsafed "to leave to the Congress of the United States the assertion of their own constitutional power, and the vindication of the principles of our Government, against the most violent assault they had ever encountered;" and the first of these three was accompanied by another resolve which pursued the civil branch of the subject which the Bank had reserved to itself: namely, to show that the reasons assigned for the removal of the deposites were unsatisfactory and insufficient, or as the Bank pamphlet expresses it, "unfounded, as the object itself is illegal." Thus the proceedings in the Senate and in the Bank were indentical: and what is too obvious and striking to escape observation, the very forth of commencing the work against the President, and the prescise material upon which the work was commenced, was the same in both bodies. The Bank commenced its process, and took for the foundation of its proceedings, a certain paper, signed Andrew Jackson, and purporting to have been read to what was called a Cabinet, on the eighteenth day of September, 1833. So of the proceedings in the Senate. It takes for its commencement and for its foundation, the same identical paper, and, in every essential phrase, describes and calls for it in the same words. Our journal at that period, at page 40, and for Wednesday, the 11th of December 1833—just nine days after the promulgation of the Bank proceedings, exhibits an entry in these words:

"The following motion, submitted by Mr. Clay, was considered: Resolved, That the President of the United States be requested to communicate to the Senate, a copy of the paper which has been published; and which purports to have been read by him to the heads of the Executive Departments, dated the 18th day of September last, relating to the removal of the deposites of the public money from the Bank of the United States, and its offices."

This call was adopted by the Senate. The President was requested to furnish the paper described: and upon his declining to do so, the Senate of the U States proceeded, as the Bank of the U. States had previously done, to use the copy of the paper as found in the columns of the Globe.

Upon the contents of the paper two distinct resolutions were submitted by a Senator from Kentucky, (Mr. Clay) one criminal, the other civil. The criminal resolution has been read. It stands at the head of the three resolves quoted in the preamble to the resolution which I have offered, and follows not only the charges and the specifications which the Bank has preferred against the President, but uses the very words which that institution had used. The civil resolution offered at the same time is not inserted in the preamble, because the expunging process is not proposed to reach it: but it is necessary to read it by way of identifying the proceedings of the Bank and of the Senate, and to show how faithful the Senate took up the cause of the Bank.—This is it:

"Resolved, That the reasons assigned by the Secretary of the Treasury, for the removal of the money of the U. States deposited in the Bank of the U. States and its branches, communicated to Congress on the 3d day of December, 1833, are unsatisfactory and insufficient."

The reasons assigned for the removal were voted by the Bank to be unfounded; by the Senate they were voted to be unsatisfactory and insufficient, showing the exact division of the subject in the Senate to be what it was in the Bank, and expressed in the same phrase.

The Bank refers the paper which was read to what was called a cabinet, to one of its committees, to report what steps were necessary to be taken on the part of the Board. They reported two steps; first to vindicate the constitution and laws from the most violent assault they had ever encountered, which being interpreted, signified to impeach him: and such was the language of the Bank gazette, and a member actually named, who was to move the impeachment; secondly, to assert its own right to redress, for the injury of removing the deposites. Both these steps were pursued in the Senate; only for want of a regular impeachment, preferred by the House of Representatives, the Senate took it irregularly, as indicated by the Bank.

I do not detain the Senate, Mr. President, to make any remark upon the unparalleled and almost incredible audacity of this monied institution, which, erecting itself into a co-ordinate branch of the Federal Government, and assuming a political judicial and mortal supremacy over the President of the United States, takes cognizance of his imputed offences; refers his conduct to one of its committees, as a grand jury, receives a report arraigning him for a public crime as well as for a private injury, adopts in both aspects, and adjudges him guilty of the crime, which it demands redress for the injury, with the unceremonious indifference, and perfect self complacency which belong to the conduct of an established constitutional tribunal. Nor do I comment upon the significant intimation for an impeachment which their high mightinesses, the serene directors of this monied corporation, so distinctly hold out to Congress. Nor shall I drwell upon the coincidence that the Bank proceedings against the President should have made its appearance in Philadelphia contemporaneously with the assembling of Congress in this city. All these cirumstances, and many others, will naturally attract the attention, and excite the reflections of the people. My purpose at present is quite different. It is to show that the Bank of the United States is the original author of all the proceedings, against the President, and that what has been done in this chamber, is nothing but a copy of what has been first done at the board of directors in the city of Philadelphia. The extracts which I have read are sufficient for the present, and I shall only refer, at this time, in confirmation of them, to the columns of the Bank gazetts at that period—the meetings got up by the Bank to condemn the President—the committees and memorials sent here, the purchase, by the Bank, of 800,000 copies of the speeches made against the President—its efforts to alarm and distress the country—and the palpable line which is still drawn in the Legislatures of all the States between the friends of the Bank, and the friends of the President, wherever expunging resolutions were brought forward.

These are sufficient to prove that the Bank from the first to the last, took charge of these proceedings against the President: that she originated it, followed it here, nursed and cherished it, adopted all that was done; and now opposes the expunging resolutions in the different States with such fidelity that the list of votes, except in Tennessee, and some individual exceptions in the other States, shows the question of expunging to be a mere Bank question, to be lost or carried as the Bank party may predominate or not, in the Legislature.

Mr. B. then took up his expurgatory resolution, and said that he had digested his motion for the sake of a more convenient and intelligent presentation of his subject, into a series of distinct propositions, convering the whole ground of the case, and yet separating the parts so that a distinct consideration and a distinct vote may be taken on each distinct point.

1. The first proposition which I submit assumes the cardinal position, that the proceeding against President Jackson was for an impeachable offence, and that, being conducted without the forms of an impeachment, it was by consequence, irregular, illegal, unconstitutional, and subversive of the fundamental principles of law and justice.

The stress of this proposition lies in the position that the offence charged upon the President was impeachable; and to maintain this position, I shall show, first, what it is that constitutes an impeachable offence under our constitution; and next, what the offence is that the President was charged with.

By section four, article two. of the Constitution, the President may be impeached:

1. For treason,
2. For bribery,
3. For other high crimes,
4. For misdemeanors,

Here are four classes of offences for which impeachment lies, two of them well defined by common constitutional law; and two of them resting, not upon strict legal definitions, but rather upon the general acceptation of terms, and the moral sense of the community. Treason and bribery have there precise definitions, other high crimes and misdemeanors have their import, but have not been legally defined, so as to include all cases which may fall under their heads. They were evidently adopted by the farmers of the constitution, on purpose to include all the unknown and all the possible cases of malfeasance in office, which should amount either to a high offence, or a petty offence, and for which the officer might deserve actual punishment at common law, or a mere removal from that particular office, or a general disqualification from holding any office whatever crime is a great offence; a misdemeanor a petty offence. A high crime is understood to be some great offence against the state or the public; a misdemeanor is some petty offence in office, consisting of a kind of misbehaviour: So say the books. It would be sufficient for my argument to show that the offence charged upon President Jackson by the Senate of 1833, '34, was one of those petty offences growing out of misbehaviour, or ill behaviour in office, which constitutes a misdemeanor; for even that would be impeachable, and would sustain my position, that the President was adjudged guilty of an impeachable offence. But I will not wrong the Senators who passed that judgment upon him, so far as to lower their charge to that petty offence, which constitutes a mere misdemeanor. I will not undertake to deprive them of their excuse, or justification, for alarming and agitating the country as they then did, and denouncing President Jackson with the violence then exhibited, by reducing the offence which they then charged him to a mere misbehavior, which amounts to a misdemeanor. But I will take the charge in its natural import, and according to the understanding of it then manifested by gentlemen in all their speeches; and according to these, I say President Jackson was charged with a great, heinous, and daring offence; and being so charged, was impeachably charged, not with a petty misdemeanor, but with a high crime.

How was he charged? The record answers, that he was charged, first, with assuming a power over the Treasury of the United States, not granted to him by the constitution and laws, and dangerous to the liberties of the people; because he dismissed Mr. Duane from the Treasury Department, and appointed Mr. Taney to it. Secondly, with assuming the exercise of a power, over the Treasury of the United States, not granted to him by the constitution and laws, and dangerous to the liberties of the people: because he took upon himself the responsibility of removing the deposites from the Bank of the United States; and thirdly, with assuming upon himself authority and power not conferred by the constitution and laws but in derogation of both; because of the late executive proceedings in relation to the revenue. These were the charges; and how much soever the specifications were again changed, and finally all dropt, yet the charge itself remained the same, and wears its meaning plainly on its face, that of usurping power and authority, and violating the laws and constitution of the land This is the plain meaning of the charge in every instance of its three-fold repetition, and so was understood and expressed by every speaker, who constantly applied the terms usurper and violator of the laws and constitution, and rumaged history to find in the lives of the most odious of tyrants, acts of usurpation and of lawless violence, sufficiently infamous, wicked and dangerous, to exemplify the conduct which they charged upon the President.

The precise words in the resolve adopted, fully charges the violation, and that twice over. To assume power not conferred by the laws and constitution, is to violate the laws and constitution, to do an act in derogation of both is, in the President, a violation of both. The legislative power may derogate from a law, that is to say, can repeal and take away a part of it: and the attempt to do it, is to violate it. The President can neither derogate from the common law, nor from the constitution. He has no repealing power over them; by consequence, to derogate from them, is to violate them.

Mr B. well recollected that some of the gentlemen in opposition called the President's conduct a gross abuse of power. Be it so. The smallest abuse of power is a misdemeanor in office, and a misdemeanor for which the officer may be impeached: a gross abuse of power is a high crime, for which impeachment also lies. The charge then still continues impeachable, whether qualified as a gross abuse of power, or charged as a direct violation of the law.

The charge, stript of its thin disguise, taken in its obvious sense, and put into the words proclaimed by every speaker, is a charge of usurpation of power and authority, and of violation of the laws and constitution: I do not make a separate head of the usurpation here charged, because it is merely subsidiary in its reference, and explanatory in its imports, of the main charge more distinctly expressed To usurp power and authority, is to seize on power and authority without right or law; to violate the laws and constitution, is to do the same thing; so that all the charges substantially end in one, that of violating the laws and constitution. Is this a petty offence or a great crime? It is sufficient for my argument that it should be a petty offence; but truth and justice will qualify it as a great crime. In a country of law, the violation of law is always a crime. In the mere citizen it is criminal—in the common magistrate it is heinous—in the chief officer of a republic it is atrocious and parricidal. In a President of the United States, bound by his oath not only to preserve, protect, and defend the constitution, but to cause others faithfully to execute the laws, the violation of the law and constitution, involving as it does, perjury to his conscience, treachery to his trust, danger to the country, and evil example to all, becomes an offence of the greatest magnitude, inferior only in turpitude and mischief to high treason itself. In republics, the greatest jealousy raises at assumptions of power beyond the law, and the more exalted the magistrate, the more eminent the citizens, who commits that offence—no matter how strong the necessity, or how slight the consequence, the voice of offended justice is sure to be heard. Why was Cicero banished from Rome? Not for putting Lentulus and Cethegus to death;—for these parricides deserved a thousand deaths! but because, in ordering Roman citizens to be strangled, the Consul had assumed the exercise of a power not granted to him by the constitution of Rome. What was the cause of that immortal contest in Athens—that contest for the crown, not of royalty, but of honor and patriotism? Not that Demosthenes did not deserve to wear it, but that Ctesiphon had transcended the law in causing it to be conferred on him: These were excusable, or venal violations of the law; yet their commission agitated the great republics of antiquity, and their memory at the end of two thousand years, and in a new hemisphere, is fresh in the recollection of every reader. But why quote examples? Why go to foreign countries? Why quit our own soil—this chamber, and this very case,—to prove that the violation of law is the commission of a great crime? Did not every gentleman, in arguing this very case, treat it as a crime of the greatest enormity? Did they not denounce the President's conduct not merely as a violation of the laws and, constitution, but an actual overthrow of all government? as the establishment of one man's will in the place of all law and government? as being in itself a revolution? as an act pregnant with every calamity, filling the country with distress and alarm, ruining the currency, sinking the price of property, paralyzing industry, stopping factories, bankrupting merchants and traders, destroying all confidence between man and man, and striking the whole country down from a state of unparalleled prosperity, to a state of unparalleled misery? Did not every speaker against the President assert all this, and infinitely more and worse? And did not 120,000 petitioners back their assertions, reiterate their denunciation, send it here for our information, and call upon us to undo what the President had done, as the only means of saving the country from utter ruin? And were not these petitions received with all honor, and the contest made every speaker's own, by the manner in which he adopted and commented upon them? Certainly all these things were so; and during the six months that they were going on, the act of President Jackson, in removing the deposites, was expressly treated as a crime of the direst import, and of the most calamitous consequences.

Having personally witnessed all these things, and too well remembering them, it is incomprehensible to me, and my mind will remain incredulous to the apparition until I shall behold it; that any one of the supporters of the proceedings against President Jackson, will now take a position in the rear of President Jackson's innocency, and rest the success of their defence now, upon the overthrow of their attack then. I say upon his innocency, for every denial of the criminality of his conduct is an allegation of his innocence: and every attempt to sink the charge against him below the degree of a high crime, is an admission of the injustice of those who then denounced and condemned him; for nothing can excuse them for the course they then pursued, and [illegible] the alarm and agitation in which they involved the country, but the reality of their belief in the high crimes which they then imputed to the President. Here, then, lies a dilemma. To justify themselves for their conduct then, gentlemen must now stick to the charge as then made, and maintain the President to have been guilty of a high crime. To defend themselves from the censure of having violated the constitution, subverted justice, and set a dreadful example, it is necessary for them to maintain that he committed no crime at all; not even the petty offence and venial misconduct which will constitute a misdeanour in offence. In this dilemma, it is not for me to anticipate what course gentleman will take; whether they will retrace their steps, or advance further. It is not for me to decide whether it is a case in which the actors, far steeped in blood, may think it safer to go through than to turn back: but solely occupied with my own course I proceed to establish my position, that the President was adjudged guilty of an impeachable offence, and that the Senate was unjustifiable for proceeding against him without the forms of an impeachment.

The sentence against him is for violating the laws and the constitution. I have said that this offence was great in a private citizen, still greater in a common magistrate, and greatest of all in the Chief Magistrate of the country. Our own Chief Magistrate is laid under the most sacred and solemn responsibilities to God and his country, to abstain from this crime. He takes an oath to do so; and here is the copy of that oath which President Jackson actually took, administered by the late Chief Justice Marshall, in the presence of assembled thousands, and on the steps of that Capitol, and at the base of that column at which he came so near to pay the dreadful forfeit of a supposed violation of his oath!

"I do solemnly swear that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect and defend the constitution of the United States."

Preserve, protect, and defend the constitution! Such is the oath! The sentence is, that he violated that constitution, and, by consequence that he violated that oath Here then is the aggravated charge of perjury upon his conscience, treachery to his trust, mischief to the people, and distraction to that which he was bound to preserve, protect, and defend. Can such things be, and not imply crime? that high crime for which not only impeachment lies under our constitution, but indictment and punishment also at common law? Surely the point is two plain for argument; and I must be permitted to repeat that I cannot figure a imagination any thing so strange and wonderful as that gentlemen who pushed the condemnation of President Jackson with such fury in 1834, should now deprive themselves of all justification for what they did by special pleading upon the verbality of the accusation which they themselves drew up, and pointing to the careful omission of imputed bad motive, declare that his intentions were not impugned and